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### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Brett G. Clark

Application No./Patent No.: 09/429,641 Filed/Issue Date: October 29, 1999

Entitled: DATA COLLECTION SYSTEM

Corning Cable Systems LLC

(Name of Assignee)

a limited liability company of North Carolina

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below: SEE ATTACHED DOCUMENT

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10/3/03

Date

(828) 901-5354

Telephone number

Timothy J. Aberle

Typed or printed name

Timothy J. Aberle

Signature

Assistant Secretary

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Chain of title from the inventor(s), of the patent application/patent identified on the attached document, to the current assignee as shown below:

1. From: Brett G. Clark to Amherst International, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 010353, Frame 0397, or for which a copy thereof is attached.
2. From: Amherst International, Inc. to Infusion Acquisition Corp.  
The document was recorded in the United States Patent and Trademark Office at Reel 011239, Frame 0941; re-recorded at Reel 011240, Frame 0793; re-recorded at Reel 011947, Frame 0985, or for which copies thereof are attached.
3. From: Infusion Acquisition Corp. to Amherst FiberOptics, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 011240, Frame 0733; re-recorded at Reel 011244, Frame 0760, or for which copies therefore are attached.
4. From: Amherst FiberOptics, Inc. to Amherst Holding Co.  
The document was recorded in the United States Patent and Trademark Office at Reel 011947, Frame 0976, or for which a copy thereof is attached.
5. From: Amherst Holding Co. to Corning Cable Systems LLC  
The document is attached hereto for recordation.

## ASSIGNMENT

This Assignment is dated as of the 16<sup>th</sup> day of December 2002, by and between **Amherst FiberOptics, Inc.** (formerly known as Infusion Acquisition Corp.), a Delaware corporation having its principal place of business at 750 Old Hickory Blvd., Suite 250, Brentwood, TN 37027 ("AFI"), **Amherst Holding Co.**, a Delaware corporation having its principal place of business at 300 Delaware Avenue, Suite 553, Wilmington, DE 19801 ("AHC") and, together with AFI, collectively, ("Amherst" or "Assignor") a corporation organized and existing under the laws of the State of Delaware, and **Corning Cable Systems LLC** ("Corning" or "Assignee"), a limited liability company organized and existing under the laws of the State of North Carolina, having an office for the transaction of business at 800 17<sup>th</sup> Street, N.W., Hickory, NC 28603-0489;

WHEREAS, Corning, is the assignee of all rights, title, and interest in and to the United States patent applications, United States Patent numbers, and all foreign and international intellectual properties listed on the attached Schedule A;

WHEREAS, Amherst has agreed to sell, assign, transfer and convey their rights to all the intellectual properties listed in the attached Schedule A, and Corning is desirous of acquiring all said intellectual properties;

NOW, THEREFORE, in return for \$12,000, lawful money of the United States of America, in hand paid by Corning to Amherst as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Amherst does hereby sell, assign, transfer and convey to Corning the entire right, title, and interest in and to the intellectual properties listed in the attached Schedule A, and any patents that may hereafter issue thereon; the inventions as set forth and described therein; all reissues, reexamination certificates, extensions, renewals, divisions, continuations, and continuation-in-part applications thereof; all priority rights under the Paris Convention with respect to said intellectual properties; and all rights under prior assignments to Amherst of the inventions of the intellectual properties; to have and to hold the same to the full end of the term thereof for Corning's own use and enjoyment and for the use and enjoyment of its successors, assigns or other legal representatives.

Amherst covenants that it will, upon request, execute and deliver to Corning without further compensation any further documents and instruments, including further applications, papers, affidavits, powers of attorney, and assignments and take all other lawful acts deemed necessary by Corning to enable Corning to more effectively obtain, maintain and enforce the full benefits of the rights and interest herein assigned.

This Assignment shall be binding upon the successors, assigns or other legal representatives of Amherst and shall inure to the benefits of the successors, assigns or other legal representatives of Corning.

This Assignment may be executed in any number of counterparts and each such executed counterpart shall be deemed to be an original instrument, but all such executed counterparts together shall constitute one and the same instrument.

The Commissioner of Patents and Trademarks is requested to issue the certificate of letters patent for the U.S. pending patent applications to Corning Cable Systems LLC, 800 17<sup>th</sup> Street, N.W., Hickory, NC 28603-0489.

Executed at Chambersburg, PA, on the 16<sup>th</sup> day of December, 2002.

Executed on behalf of Assignor Amherst FiberOptics, Inc.

By: Barbara S. Persun

Name: Barbara S. Persun

Title: VP: Treasurer

STATE OF PA )  
COUNTY OF Franklin ) SS:

On this 16<sup>th</sup> day of December 2002, Barbara Persun personally appeared before me and signed the above Assignment acknowledging that he/she has the authority to execute the document on behalf of Amherst FiberOptics, Inc.

Bertha A. Paine  
Notary Signature

Notary Seal

Notary Stamp:

Notarial Seal Bertha A. Paine, Notary Public Chambersburg Boro, Franklin County My Commission Expires Apr. 22, 2006 Member, Pennsylvania Association Of Notaries
--

Executed on behalf of Assignor Amherst Holding Co.

By: Barbara S. Persun

Name: Barbara S. Persun

Title: VP

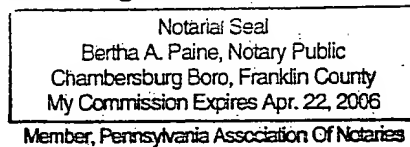
STATE OF PA )  
COUNTY OF Franklin ) SS:

On this 16<sup>th</sup> day of December 2002, Barbara Persun personally appeared before me and signed the above Assignment acknowledging that he/she has the authority to execute the document on behalf of Amherst Holding Co.

Bertha A. Paine  
Notary Signature

Notary Seal

Notary Stamp:



Accepted by Assignee Corning Cable Systems LLC

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS:

Sworn to and subscribed before me this \_\_\_\_\_ day of December 2002.

\_\_\_\_\_  
Notary Signature

Notary Seal

Notary Stamp:

Executed on behalf of Assignor Amherst Holding Co.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS:

On this \_\_\_\_ day of December 2002, \_\_\_\_\_ personally appeared before me and signed the above Assignment acknowledging that he/she has the authority to execute the document on behalf of Amherst Holding Co.

\_\_\_\_\_  
Notary Signature

Notary Seal

Notary Stamp:

Accepted by Assignee Corning Cable Systems LLC

By: 

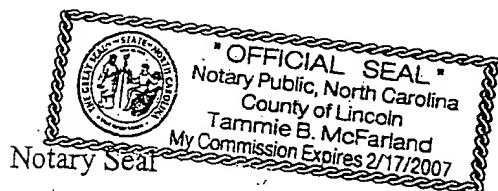
Date: 12/18/02

Name: OTTO I. SZENTESI

Title: SR. VP, DIRECTOR OF TECHNOLOGY  
HARDWARE & EQUIPMENT OPERATIONS

STATE OF North Carolina )  
COUNTY OF Lincoln ) SS:

Sworn to and subscribed before me this 18th day of December 2002.



  
Notary Signature

Notary Stamp:

SCHEDULE A

U.S. Patent Applications

09/939,681

09/429,641

U.S. Patent

6,282,353